

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KEITH MASON,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:18-CV-667-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Keith Mason, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in NCF 18-02-125 where a Disciplinary Hearing Officer (DHO) at the New Castle Correctional Facility found him guilty of possessing a cellular telephone in violation of A-121 on March 5, 2018. ECF 2 at 1. As a result, Mason was sanctioned with the loss of 180 days earned credit time and a one-step demotion in credit class. *Id.*

After Mason filed his petition, the finding of guilt and sanctions were vacated. ECF 9-1 at 1. The Warden has filed a motion to dismiss because this case is now moot. ECF 9. Mason did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(2)(A). Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Mason has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge

prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 9) is GRANTED and the case is DISMISSED.
The clerk is DIRECTED to close this case.

SO ORDERED on January 14, 2019

_____/s/ JON E. DEGUILIO_____
JUDGE
UNITED STATES DISTRICT COURT